

Attorney Docket No. RESP:103aUS
U.S. Patent Application No. 09/881,258

Date: July 7, 2004

Remarks

The Rejection of Claims 2 and 3 under 35 U.S.C. §112

The Examiner rejected Claims 2 and 3 under 35 U.S.C. §112, first paragraph, as not being enabled for the use of one support bracket (as recited in Claim 2) and for the use of one support rail (as recited in Claim 3).

Applicants have amended Claim 2 to claim a movable sink fixture in which the means for moving the sink fixture vertically with respect to a wall comprises at least two support brackets. Applicants have also amended Claim 3 to claim a movable sink fixture in which the means for moving the sink fixture horizontally with respect to a wall comprises at least two support rails. The Examiner states in the Office Action dated April 20, 2004 that the specification is enabled for the use of two support brackets and two support rails, respectively.

Applicants respectfully submit that these amendments overcome the rejection of Claims 2 and 3 under 35 U.S.C. §112, first paragraph, and reconsideration is requested.

The Rejection of Claims 1-4 under 35 U.S.C. § 103 (a)

The Examiner has maintained the rejection of Claims 1-4 under 35 U.S.C. § 103 (a) as unpatentable over United States Patent No. 3,530,513 to Maurer, et al. ("Maurer" or "the Maurer patent"). Applicants have conferred with Examiner and have further amended independent Claim 1 to more particularly claim the invention of that claim. Applicants thank the Examiner for his guidance. Applicants respectfully submit that this amendment overcomes the rejection under 35 U.S.C. § 103 (a) and reconsideration is requested.

Applicants have amended Claim 1 to claim a sink fixture having a sink in which the sink is formed within the sink fixture to form a single integrated sink fixture such that the sink is one component of the entire integrated sink fixture. By "integrated" is meant that the sink is formed within or as part of the sink fixture and is not attached or connected to a separate component by means of a swinging arm, hinge or other movable connection such as is as disclosed in the Maurer patent. In Figures 1 through 4 of Maurer, it can be seen that the Maurer patent depicts a sink 4 attached to a yoke member 24 by a hinged arm 36 thus disclosing a sink that is movable in

Attorney Docket No. RESP:103aUS
U.S. Patent Application No. 09/881,258
Date: July 7, 2004

relation to the wall to which the yoke member is attached. In contrast, as is claimed in amended Claim 1 and depicted in Figure 1 of the specification, the sink of the present invention is formed within and is an integral part of the sink fixture such that once the sink fixture is attached to the wall using the support rails, the distance from the wall of the sink, as well as the sink fixture, cannot be changed. This is further emphasized in lines 5-7 of amended Claim 1 claiming means for moving the sink fixture horizontally along the wall in such a manner as to maintain as immutable the distance between the sink and the wall. "Immutable" may be defined as incapable of change. Applicants respectfully note that in a previous Reply, dated February 2, 2004, Applicants amended Paragraph 0081 of the specification to describe this limitation of amended Claim 1.

Applicants earnestly submit that Maurer fails to establish a *prima facie* of obviousness regarding amended independent Claim 1. As pointed out in previous correspondence, the sink of the Maurer patent is specifically designed to be movable in relation to its distance from the supporting wall. Maurer makes no suggestion, teaching or disclosure regarding a sink fixture in which the distance of the incorporated sink from a supporting wall cannot be changed. Applicants respectfully submit that amended Claim 1 is now in condition for allowance and such allowance is earnestly requested.

Claims 2-4 depend from amended Claims 1 and thus incorporate all the limitations of that claim. If an independent claim is nonobvious under 35 U.S.C. § 103 (a), then any claim depending therefrom is nonobvious. As seen from the discussion above, the current amendment to Claim 1 renders Claim 1 unobvious over the Maurer patent. Applicants courteously submit that dependent Claims 2-4 are therefore also unobvious over the Maurer patent. Applicants respectfully urge the removal of the rejection of Claims 2-4 and their passage to allowance.

Attorney Docket No. RESP:103aUS
U.S. Patent Application No. 09/881,258
Date: July 7, 2004

Conclusion

Applicant respectfully submits that the present application is now in condition for allowance, which action is courteously requested. The Examiner is invited and encouraged to contact the undersigned attorney of record if such contact will facilitate an efficient examination and allowance of the application.

Respectfully submitted,



C. Richard Lohrman
Registration No. 46,878
ATTORNEY FOR APPLICANT
Simpson & Simpson PLLC
Customer No. 24041
5555 Main Street
Williamsville, NY 14221
Phone: (716) 626-1564
Fax: (716) 626-0366

Dated: July 7, 2004